

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DOUG KADYK,

Plaintiff,

v.

GENE LONG, et al.,

Defendants.

MOSMAN, J.,

No. 3:11-cv-01312-AC

OPINION AND ORDER

On May 17, 2013, Magistrate Judge Acosta issued his Findings and Recommendation (“F&R”) [54] in the above-captioned case recommending that Gene Long’s motion for summary judgment [25] be granted in part and denied in part and, accordingly, that Doug Kadyk’s third claim for relief—Intentional Interference with Economic Relations—be dismissed. Judge Acosta also recommended that Tom Denchel Ford County’s motion for summary judgment [30] be granted and, accordingly, that Mr. Kadyk’s second claim for relief—negligence—be dismissed. In addition, Judge Acosta recommended that Mr. Kadyk’s motion for summary judgment [34] be denied. Judge Acosta denied Tom Denchel Ford County’s motion to strike [43], granted its motion for joinder [44], and denied Mr. Long’s motion to strike [46]. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation, and I ADOPT the F&R [54] as my own opinion.

IT IS SO ORDERED.

DATED this 5th day of June, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge